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Roger Marcel Humbel

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EXAMINER

NGUYEN, HAI V

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/593,323	Applicant(s) HUMBEL, ROGER MARCEL	
	Examiner HAI V. NGUYEN	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/21/2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/21/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the communication received on 21 July 2008.
2. Claims 1-12 were cancelled.
3. Claims 13-31 are presented for examination.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the elements of “a biometric sensor”, “multiple transceivers”, “a software manager” in claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 22 recites the limitation "with the transceiver via a radio transmission", "wherein the transceiver is adapted to transfer" in claim 22. There is insufficient antecedent basis for this limitation in the claim.

8. Regarding claims 22, 25, 26, 28 29, 30, the phrase "and/or" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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10. Claims 13-31 are rejected under 35 U.S.C. 102(e) as being anticipated by

Prokoski et al. US patent # 6,850,147 B2.

11. As to claim 13, Prokoski discloses substantially the invention as claimed, including a mobile device (*Figure 1, element 104, e.g., PDA or cellular phone*) for carrying out transaction applications comprising a single mobile handset device (*Figure 1, element 102*) including (a) a biometric sensor (*Figures 1, 3, 4, element 110, 310, or 410*) adapted for direct evaluation of a control function to obtain access on an interactive Internet or mobile phone portal (*the user can select a biometric sensor which provides his desired level of accuracy, reliability, convenience, security, and cost effectiveness when used by the user, col. 5, lines 19-35; col. 6, lines 10-16*), said biometric sensor being activatable by a preselected personal trait (*fingerprints, facial identifications, col. 8, lines 55-60*); (b) multiple transceivers (*Figures 1, 3-5, elements 140, 340, 440, 510, 540, Bluetooth including radio transceivers hop from one channel to another in a random fashion, col. 12, lines 31-36*); and (c) a software manager (*Figures 1, 3, 4, Analyzer element 120, 320, 420*) to evaluate the control function against a predetermined list (*Figures 1, 3, 4, element 114, 314, 414*) which controls use of said handset device as an electronic universal key (*a Personal Biometric Key (PBK)*) for remote applications (*col. 11, lines 23-62*) over said transceivers including tracking, opening or locking locks, reading and describing active transponders, direct payment functions for electronic cash or payment, process of services and obtaining information (*Figures 1, 3, 4, col. 5, lines 20-29; col. 9, lines 9-30; 61-67; col. 10, lines 39-41; lines 60-65; col. 11, lines 23-62*).

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12. As to claim 14 Prokoski discloses, wherein said control function is at least one of access, code, number, password, identification, authentication, or authorization (*col. 5, lines 20-28*).

13. As to claim 15, Prokoski discloses, wherein said preselected personal trait is at least one of a fingerprint, voice, or eye iris (*fingerprints, facial identifications, col. 8, lines 55-60*).

14. As to claim 16, Prokoski discloses, wherein said multiple transceivers are selected from Near Field Communication, Bluetooth, Wireless Local Area Network, Ultra-Wideband, Infrared Data Association and Global System For Mobile Communications (*Figures 1, 3-5, elements 140, 340, 440, 510, 540, Bluetooth including radio transceivers hop from one channel to another in a random fashion, col. 12, lines 31-36*).

15. As to claim 17, Prokoski discloses, wherein said handset device is selected from a mobile phone, an MP-3 player, a watch, a radio, a television, a lock, a computer and an extension kit (*col. 7, lines 5-14; col. 9, lines 9-18*).

16. As to claim 18, Prokoski discloses a mobile device (*Figure 1, element 104, e.g., PDA or cellular phone*) for carrying out transaction applications comprising a single mobile handset device (*Figure 1, element 102*); at least one Near Field Communication transceiver adapted to process and transfer at least one of payment, access-control, active transponders and air-lock identifications, each being cleared on a preselected account on a server by direct or indirect Global System For Mobile Communications or interactive Internet link (*Bluetooth transmission or wireless Internet, col. 7, lines 23-25*;

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col. 12, lines 31-44); and optional extension kit (Bluetooth additional applications installed in mobile device, col. 7, lines 35-59; col. 11, lines 24-62).

17. As to claim 19, Prokoski discloses a biometric sensor to provide identification or authorization integrated therewith (*col. 7, lines 15-25*).

18. As to claim 20, Prokoski discloses a method for carrying out transaction applications (*Figure 1, element 104, e.g., PDA or cellular phone carrying transaction applications, col. 7, lines 35-59; col. 11, lines 24-62*) comprising processing and transferring through a Near Field Communication transceiver (*Figure 1, Bluetooth transceiver 140, 210, 340, 440, 510*) in a mobile handset device (*Figure 1, element 102*) at least one of a payment, access-control, active transponders and air-lock identification (*Figure 1, col. 5, lines 15-29; col. 7, lines 6-34*), following clearance on a preselected account on a server (*Figure 6, the user must enroll an individual account with the Ventral Authority 650 before utilizing his/her biometric codes, col. 10, line 66 – col. 7, line 22; col. 9, line 60 – col. 10, line 10*) by direct or indirect Global System For Mobile Communications or interactive Internet link.

19. As to claim 21, Prokoski discloses, wherein said clearance includes identifying and authorizing based on provision of predetermined biometric data (*Figure 6, the user must enroll an individual account with the Ventral Authority 650 before utilizing his/her biometric codes, col. 10, line 66 – col. 7, line 22; col. 9, line 60 – col. 10, line 10*).

20. As to claim 22, Prokoski discloses an All In One Remote Key device (*Figure 1, element 104*) comprising: a mobile device (*Figure 1, element 102*) including a biometric sensor (*Figure 1, element 110*) wherein the biometric sensor evaluates at least one of

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an access, a code, a number, a password, an identification, an authentication, an authorization or a control function (*Figure 1, element 102, col. 7, lines 6-34*); at least one transaction transceiver (*Figure 1, element 140*) operating via Bluetooth (*col. 12, lines 22-50*); and optionally at least one of a memory, a display, a key pad, a microphone, a high speaker, a central processing unit, a computer, an accumulator, a solar-panel, and a camera, which mechanically and/or electronically interfaces (*the dual-band visual and infrared camera installed in a combination cellphone/Personal Digital Assistant, col. 9, lines 28-60*) with the transceiver (*Figure 1, element 140*) via a radio transmission (*Figure 2, element Bluetooth transmission 200*), wherein the transceiver is adapted to transfer a transaction, an application and/or information from an account server (*the portal accessed by the user, col. 5, lines 2—26; col. 6, lines 5-16*) to the mobile device or from a first mobile device (*Figure 1*) to a second mobile device (*Figure 2*).

21. As to claim 23, Prokoski discloses, wherein the mobile device includes at least one of a mobile phone, a lock, a computer (*col. 7, lines 10-14*) and an extension kit (*the PBK, col. 5, lines 30-56*).

22. As to claim 24, Prokoski discloses, wherein the biometric sensor is at least one of a fingerprint sensor, a voice sensor, an iris sensor, and a predetermined personal trait sensor (*col. 8, line 31 – col. 9, line 7*).

23. As to claim 25, Prokoski discloses, wherein the mobile device is structured to provide at least one application selected from:

- manage, open, close, start, access, and/or use an interface key for a function, a partial

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function or additional information, and/or authorize or track one or more objects including a bicycle, motorcycle, vehicle, home, garage, door, a mobile radio lock, a fixed radio lock, and an ignition (*col. 9, lines 9-20*); and

- an alarm reactive to sensors adapted to transmit over a Bluetooth, on a mobile device and track or provide emergency alarms to the mobile device which run with tracking displayed over Global System For Mobile Communication module and application tracking (*GPS tracking location*) (*col. 9, lines 34-53*).

24. As to claim 26, Prokoski discloses, wherein the mobile device is structured to provide:

- access-control applications (*col. 7, lines 35-59; col. 9, lines 9-60; col. 11, lines 24-62*) with bidirectional, direct, and/or simultaneous photo or personal data displays;
- biometric sensors over Near Field Communication and/or Bluetooth to provide authorization and control of at least one object (*col. 8, line 35 – col. 9, line 8*);
- installations for power, telephone, radio net, central service unit, and terminal which are read, identified or reconfigured with protected service data (*Figure 1, element 160*).

25. As to claim 27, Prokoski discloses, wherein the mobile device includes software programmed with personal setting preferences (*personal biometric codes selected by the user, col. 8, line 40 – col. 9, line 3*) for at least one of a home, a vehicle, a buyer behavior over Bluetooth, wherein the personal setting preferences include at least one of, a computer, a headset, a lock, a radio and/or a vehicle with management applications over a central server (*Fig 6, A central Authority 650*) or computer adapted

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to control the personal setting preferences (col. 9, lines 9-49; col. 9, line 61 – col. 10, line 9).

26. As to claim 28, Prokoski discloses, wherein the mobile device with the biometric sensor is adapted to provide direct evaluation for access to an interactive Internet, and wherein the mobile device is adapted to provide:

- video-clips and contents (*video images, col. 11, lines 44-48*) of a computer, a server, a mobile phone, a personal digital assistant, and/or a laptop after authentication and/or authorization with the biometric sensor being transferred on a predetermined server (*The user can directly select his/her biometric codes or sensors for accessing to the portal, col. 5, lines 19-25; col. 6, lines 5-45; col. 8, lines 45-61; col. 9, lines 44-60; col. 11, line 35-62*).

27. As to claim 29, Prokoski discloses, wherein the mobile device with the biometric sensor is adapted to provide direct evaluation for access to an interactive Internet, and wherein the mobile device is adapted to provide:

- clips with special application (*location, time, e.g., GPS application*) after listing selected according to a predetermined interest (*emergency information*) and provided in different lists interactively from the mobile device and/or an application (*PBK upgrade*) adapted to manage and run over authorization of the biometric sensor (*allowing manual dialing Of 911 service upgraded with PBK enabling transmission of pre-recorded Automatic Personal Message along with the Date/time/Location and biometric ID of the user, col. 11, lines 25-35*).

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28. As to claim 30, Prokoski discloses, wherein the mobile device with the biometric sensor is adapted to provide direct evaluation for access to an interactive Internet, and wherein the mobile device is adapted to provide at least one of:

- a portal of the mobile device adapted to have an interactive open source application for authorization for never-ending applications for the portal to receive or to guarantee the application which runs over authorization of the biometric sensor (*col. 5, lines 20-30; col. 6, lines 5-45*).

29. As to claim 31, Prokoski discloses, wherein the mobile device with the biometric sensor is adapted to provide direct evaluation for access to an interactive Internet, and wherein the mobile device is adapted to provide:

- traffic, security, emergency, or informational services with authorization over the biometric sensor (*col. 11, lines 27-62*); or
- interactive location and authorization for friends, supporters, law enforcement and police with authorization over the biometric sensor (*col. 5, line 57 – col. 6, line 16; col. 11, lines 27-62*).

30. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAI V. NGUYEN whose telephone number is (571)272-3901. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hai V. Nguyen/
Examiner, Art Unit 2618